

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

U.S. BANK NATIONAL ASSOCIATION, etc., )  
Plaintiff, )  
vs. )  
SFR INVESTMENTS POOL 1, LLC, etc., et al., )  
Defendants. )

3:15-cv-00241-RCJ-WGC

**ORDER**

**Re: ECF No. 104**

Before the court is the Motion to Compel Discovery Responses filed by Plaintiff U.S. Bank National Association as Trustee for the First Franklin Mortgage Loan Trust, Mortgage Asset-Backed Certificates, Series 2007-FF1 (U.S. Bank) as against D’Andrea Community Association (D’Andrea) and Alessi & Koenig, LLC. (ECF No. 104.)<sup>1</sup>

The Local Rules of Practice provide that the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. LR 7-2(d). Because neither D’Andrea nor Alessi & Koenig, LLC, filed any points and authorities in response to U.S. Bank’s motion to compel, the motion is granted.

The court notes that, exclusive of the Local Rules provision cited above, Plaintiff’s motion reflects discovery which was timely and properly served by Plaintiff was ignored by Defendants D’Andrea and Alessi & Koenig, LLC. Numerous attempts by Plaintiff to resolve the discovery issue went unheeded by Defendants, despite representation by counsel for Defendants that the discovery would

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<sup>1</sup> U.S. Bank’s motion included a request for an award of attorneys fees and costs incurred by reason of Defendants’ refusal to respond to discovery and in having to bring its motion to compel. (ECF No. 104 at 11.) The court stated the requests for attorneys fees and costs should be filed as a separate document. (ECF No. 109.) U.S. Bank subsequently filed a Motion for Attorneys Fees and Costs (ECF Nos. 111, 112), which the court will address in due course.

1 be addressed. (ECF No. 104 at 10-11. Defendants also failed to appear for a deposition. Accordingly,  
2 more than sufficient grounds for the granting of the Motion to Compel were documented by Plaintiff.

3 Plaintiff's Motion to Compel (ECF No. 104) is therefore **GRANTED**. Defendant D'Andrea  
4 shall provide responses to Plaintiff's Interrogatories (ECF No. 104-2: 36-45) and Requests for  
5 Production (ECF No. 104-2: 46-54). Defendant Alessi & Koenig, LLC, shall provide responses to  
6 Plaintiff's Interrogatories (ECF No. 104-3: 78-87) and Requests for Production (ECF No. 104-3: 88-95).  
7 Defendants' responses to Plaintiff's discovery shall be **SERVED** no later than **May 22, 2016**.

8 The Requests for Admissions contained in U.S. Bank's Motion at ECF No. 104-2: 1-35 as to  
9 Defendant D'Andrea and at ECF No. 104-2: 55-64 as to Defendant Alessi & Koenig, LLC, are deemed  
10 **ADMITTED** by Defendants D'Andrea and Alessi & Koenig, LLC. Fed. R. Civ. P. 36(a)(3).

11 The discovery hearing scheduled for Monday, April 25, 2016 (ECF No. 110) is **VACATED**.

12 **IT IS SO ORDERED.**

13 DATED: April 22, 2016.

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15 WILLIAM G. COBB  
16 UNITED STATES MAGISTRATE JUDGE  
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